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13 **UNITED STATES DISTRICT COURT**  
 14 **DISTRICT OF NEVADA**

15 Rose Tiffany Evans,  
 16 Petitioner,  
 17 v.  
 18 United States Postal Service,  
 19 Respondent.

20 Case No. 2:25-cv-00084-JAD-NJK

21 **Motion For Relief From Requirement**  
 22 **That A Person With Settlement**  
 23 **Authority Attend Early Neutral**  
 24 **Evaluation**

25 **I. Introduction**

26 An early neutral evaluation (“ENE”) session is scheduled in this case for Tuesday,  
 27 November 25, 2025, at 10 a.m. ECF No. 22. The order setting the ENE conference  
 28 requires a representative be present with binding authority to settle the amount up to the  
 full matter of the claim. *Id.*, p. 1. For the reasons argued below, Federal Defendants  
 respectfully request that the Court authorize Assistant United States Attorney (“AUSA”)  
 Karissa D. Neff to participate in the early neutral evaluation in person as the sole  
 representative for the government, with a representative from the agency and agency  
 counsel appearing by telephone.

29 **II. Points and Authorities**

30 The federal government is unlike other litigants in terms of geographic breadth,  
 31 nature of issues, and number of cases. *See United States v. Mendoza*, 464 U.S. 154, 159

1 (1984). The authority to settle most civil cases against the government rests with varying  
2 management personnel within the local United States Attorney's Office or at the  
3 Department of Justice ("DOJ") headquarters, depending on the dollar amount and the  
4 concurrence of the client agency. *See* 28 C.F.R. § 0.168(a); 28 C.F.R. Part 0, Subpart Y,  
5 Appendix. There is not an insurance carrier for this matter.

6 As the advisory committee recognized, "[p]articularly in litigation in which  
7 governmental agencies . . . are involved, there may be no one with on-the-spot settlement  
8 authority, and the most that should be expected is access to a person who would have a  
9 major role in submitting a recommendation to the body or board with ultimate decision-  
10 making responsibility." Fed. R. Civ. P. 16 advisory committee's note (1993 amendment,  
11 subdivision (c)). Additionally, a district court can consider alternative methods of  
12 participation, such as via telephone. *See United States v. U.S. Dist. Ct. for N. Mariana Islands*,  
13 694 F.3d 1051, 1061 (9th Cir. 2012). The United States Attorney's Office understands the  
14 importance of ENEs, settlement conferences, and other alternate dispute resolution  
15 techniques in resolving civil cases. This office has participated in many of them, in good  
16 faith, and consistent with the authority set forth in the applicable regulations.  
17 Recommendations (through the respective DOJ and client agency chains of command)  
18 regarding any settlement proposal in this case will originate with the undersigned AUSA  
19 and assigned agency counsel.

20 Based on the reasons and circumstances above, the Federal Defendant respectfully  
21 requests exception from the Order's requirements of personal attendance by a  
22 representative with binding settlement authority up to the full amount of the claims. In  
23 lieu of such requirements, the undersigned AUSA would personally attend the ENE,  
24 while an agency representative and counsel would be available by phone or audiovisual  
25 means (if so provided).

### III. Conclusion

Based on the reasons and circumstances above, the Federal Defendant respectfully requests that the Court grant this motion to allow AUSA Neff to personally attend and participate in the Early Neutral Evaluation, with an agency representative and agency counsel available by phone, in lieu of the personal attendance requirements otherwise set forth in the Order, ECF No. 22.

Respectfully submitted this 22nd day of October 2025.

SIGAL CHATTAH  
Acting United States Attorney

/s/ Karissa D. Neff  
KARISSA D. NEFF  
Assistant United States Attorney

## IT IS SO ORDERED.

**DANIEL J. ALBREGTS  
UNITED STATES MAGISTRATE JUDGE**

**DATED: October 24, 2025**